

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: BONILLA,
Plaintiff.

Case No. [18-cv-05419-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a document titled, “Conspiracy to Covertly Establish a System of Attainder in Appeal Case No. C 08-0471 YGR Bar to Petitioner from Challenging the Court’s Lack of Jurisdiction.” The Clerk designated this as a pro se civil rights case under 42 U.S.C. § 1983. Bonilla has been disqualified from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) unless he is “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR). The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, he may not proceed *in forma pauperis*.

Moreover, this case would be dismissed even if an IFP application were granted. Bonilla appears to be challenging the district judge who is presiding over his federal habeas petition. This Court cannot issue an order about another judge of this court. Accordingly, the case is dismissed with prejudice.

Furthermore, this is not a case in which the undersigned judge's impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The Clerk shall close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: September 27, 2018

A handwritten signature in dark ink, appearing to read 'V. Chhabria', is written above a horizontal line.

VINCE CHHABRIA
United States District Judge